

C.S. 700

(6) (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)WRIT PETITION No. 5247 OF 2005PETITIONERS:

1. Prashant Tiwari, aged about 24 years, son of Shri Bhupendra Tiwari, resident of Brahman Para, Gandhi Chowk, Rajnandgaon (C.G)
2. Manoj Kumar Madhukar, aged about 21 years, son of Shri Shyamlal Madhukar, resident of Qr.No.E/353 Kailash Vinar, H.T.P.S. Darri, Korba (C.G)
3. Abhishek Prasad Deo, aged about 20 years, son of Shri Ajit Prasad Deo, resident of (i) Chandra Bhawan, Castor Town, P.O. Baidyanath Deo Ghar (Jharkhand)
(ii) House No.30, House of Shri Suresh Sharma, Patel Nagar, Sitaram Para, Patna (Bihar)
4. Manish Sahu, aged about 18 years, son of Shri K.R.Sahu, resident of Qr.No.1B/03, Kirandul, District Dantewada (C.G)
5. Devendra Kumar Tamrakar, aged about 21 years, son of Shri Vijay Kumar Tamrakar, resident of Hatri Bazar, P.O. Dhamdha, District Durg (C.G)
6. Prasanna Parimal, aged about 19 years, son of Shri S.R.Budek, resident of B.T.I. Colony, Mahalpara, P.O. Saraipali, District Mahasamund (C.G).
7. Ashish Tiwari, aged about 23 years, son of Shri Krishna Kumar Tiwari, resident of Satipara, Near Karbala, P.O. Ambikapur, District Sarguja (CG).

P.R.No. 5422/05
Presented by Shri Amit Sharma
dated 19/10/05

Received Copy
Amikpur
19/10/05



(7) (2)

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RESPONDENTS:-

1. Pt. Ravishankar Shukla University,
Raipur (C.G) through its Registrar.
2. Proctor-cum-Chairman, Anti-ragging
Committee, Pt. Ravishankar Shukla
University, Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA

A.F.R.

86

25-01-2006

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 5247 OF 2005

PETITIONERS

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Versus

RESPONDENTS

1. Pt. Ravishankar Shukla University, Raipur (C.G.) through its Registrar.
2. Proctor-cum-Chairman, Anti-ragging Committee, Pt. Ravishankar Shukla University, Raipur (C.G.)

Present : Smt. Anju Ahuja, learned counsel for the petitioners.

Shri Pramod Verma, learned Sr. Advocate, with Shri Sumit Verma, learned counsel for the respondents.

ORAL ORDER
(Passed on 25th January, 2006)

The petitioners, seven in number, are the students of Pt. Ravishankar Shukla University, Raipur, the first respondent herein, studying in different classes in the current academic year 2005-2006 staying in Gandhi Hostel managed by the first respondent - University. The petitioners were served with notice dated 25/09/2005 by the Registrar of the University alleging that the petitioners indulged in ragging at mid-night on 20/09/2005 and they were caught red-handed when they were in the act of ragging and informing them that the University had proposed to rusticate them in terms of Section 2 (a) of the Chhattisgarh Shaikshanik Sansthaon Me Pratarna (Ragging) Ka Pratishedh Adhyadesh, 2001 (for short "the Adhyadesh"). The notices issued to all the petitioners are in identical terms. The petitioners submitted their replies to the show cause notice denying the allegations. The University not being satisfied with the replies of the petitioners by its order dated 01/10/2005 rusticated all the students and they were directed to be evicted from the hostel. In the circumstance, this writ petition is filed by the aggrieved students-petitioners.

(2) Annexure-P/1 dated 25/09/2005 is the show cause notice issued to the first petitioner. As I pointed out supra, the notices issued to the other petitioners are in identical terms, which reads as follows:



A careful perusal of Annexured-F/1 would show that the details of the acts of the petitioners which could constitute "ragging" within the meaning of that term as defined under Clause (a) of Section 2 of the Adhyadesh are



दिनांक : 25.09.2005 कुलसचिव

आपकी छात्रावास शैक्षणिक संस्थाओं में प्रवेशना (रैगिंग) का प्रतिबंध अधिनियम, 2001 की धारा 2 (क) के अंतर्गत दिनांक 20.09.2005 को ए. ए. विश्वविद्यालय के गांधी छात्रावास में अन्य छात्र की रैगिंग करने का दोषी परिवर्तित किया गया है। इस संबंध में विश्वविद्यालय प्रशासन द्वारा वरिष्ठ प्राध्यापकों के जांच दल द्वारा प्रारंभिक जांच पूरी कर ली गई है। तत्संबंधी रिपोर्ट के अनुसार भी आपको उपरोक्त अधिनियम में उल्लंघित रैगिंग की परिभाषा के अनुसार 20.09.2005 की मध्य रात्रि के समय गांधी छात्रावास में रैगिंग करने का दोषी पाया गया।

अतएव आपको इस नोटिस प्राप्त के 24 घंटे के अंदर संतोषजनक उत्तर/स्पष्टीकरण देने का अवसर प्रदान किया जा रहा है कि क्या न आपकी उक्त अधिनियम की धारा 7 के अनुसार विश्वविद्यालय के छात्र के रूप में निष्कासित कर दिया जाए। इसके अतिरिक्त अधिनियम की धारा 4 के अनुसार क्या न आपके विरुद्ध अपराधिक प्रकरण भी संचालित किया जाए। यदि समयावधि में लिखित स्पष्टीकरण तथा मौखिक सफाई देने गया तो आपके लिए आवश्यक आदेश पारित किया जा सकेगा।

प्रधान परिमल
बी.ई. द्वितीय वर्ष
ए. ए. वि. वि. रायपुर

प्रति,

क. 425/छाअक/05 दिनांक 25.09.2005

not disclosed or stated in it. The object of issuing a notice to an affected person before an adverse action is taken against such person is to enable such person to put forth his defence, if any, effectively. Term "ragging" is a precept, not a fact. That is why the lawmaker have defined ragging in clause (a) of Section 2 of the Adhyadesh which reads as follows:

"(a) 'ragging' means causing, inducing compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or prevents him from doing any lawful act, by intimidating, wrongfully restraining, wrongfully confining, or injuring him or by using criminal force on him, or by holding out to him any threat of wrongful restraint, wrongful confinement, injury or the use of criminal force."

If a student indulges in acts, such as, inducing, compelling or forcing student, whether by way of practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or prevents him from doing any lawful act, by intimidating, wrongfully restraining, wrongfully confining, or injuring him or by using criminal force on him, or by holding out to him any threat of wrongful restraint, wrongful confinement, injury or the use of criminal force, such acts of such students would constitute "ragging". Therefore, it would have been fair and just for the University to appraise the petitioners-students with the objectionable acts alleged to have been committed by them which, if true, could constitute "ragging" within the meaning of Section 2 (a) of the Adhyadesh, setting out necessary details in the notices issued to them. Therefore, it cannot be said that the University before rustivating

the students had complied with the mandate of the principles of natural justice and fair play in action. Therefore, the impugned action cannot be sustained.

(3) In the result, I allow the writ petition and quash the impugned action of the University rustivating the petitioners-students, however, reserving liberty to the University to take appropriate action against the alleged objectionable acts of the petitioners in accordance with law and in the light of this order. No costs.

Sd/-
Chief Justice

Brajesh